

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

02-*R*-0948

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$9,317.04 IN SETTLEMENT OF THE CLAIM
OF DANNY K. STEPHENSON AGAINST THE CITY OF
ATLANTA**

WHEREAS, Danny K. Stephenson has filed a claim against the City of Atlanta seeking damages arising out of several occurrences of sewer back ups to his property located at 1667 Fernleaf Circle; and

WHEREAS, property owned by **Danny K. Stephenson** has been damaged due to several occurrences of sewer back ups due a blockage in the mainline which the City had knowledge of prior to the backups that occurred between December 7, 2000 and January 6, 2002; and

WHEREAS, the City of Atlanta was on notice of said nuisance and yet the City failed to abate said nuisance; and

WHEREAS, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of **\$9,317.04** and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **Danny K. Stephenson** be settled for the sum of **\$9,317.04**.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that **\$9,317.04** be paid by the City of Atlanta in satisfaction of any and all claims **Danny K. Stephenson** owner of property located at 1667 Fernleaf Circle may have stemming from damages sustained to his property between December 7, 2000 and January 6, 2002.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number **2J01/529017/T31001**.

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